

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

COMERICA BANK,

Plaintiff,

v.

VALDNER PAPA and AMEDEO PAPA, JR.,

Defendants.

CASE NO. 03-74894

HON. MARIANNE O. BATTANI

BANCO LAVRA,

Plaintiff,

v.

COMERICA BANK,

Defendant.

CASE NO. 03-60200

HON. MARIANNE O. BATTANI

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO
DISMISS AND GRANTING PLAINTIFF LEAVE TO AMEND COMPLAINT**

Before the Court is Defendants' Motion To Dismiss (Doc. # 19). For reasons more fully stated on the record at a hearing held on February 14, 2006, the Court DENIES Defendant's request for dismissal for lack of personal jurisdiction or *forum non conveniens*, GRANTS Defendants' request for dismissal pursuant to Fed.R.Civ.P. 9(b), and further GRANTS Plaintiff leave to file an amended complaint on or before March 14, 2006.

IT IS HEREBY ORDERED that discovery in this matter is to commence immediately and to conclude on or before May 15, 2006.

IT IS FURTHER ORDERED that pursuant to Fed.R.Civ.P. 42(a), which permits actions involving common questions of law or fact to be consolidated for the economy and convenience of the court and of the parties, this matter is consolidated for trial with Case No. 03-60200. See Cantrell v. GAF Corp., 999 F.2d 1007, 1011 (6th Cir. 1991).

IT IS SO ORDERED.

s/Marianne O. Battani

MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: February 16, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served upon Thomas Tallerico and J. Mark Brewer on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Deputy Clerk